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ABSTRACT

The six chapters of the Texas Library Systems Act are presented in this document together with revised standards for accreditation of system components adopted by the Texas State Library and Archives Commission on February 28, 1985. The Library Systems Act covers: (1) General Provisions, including definitions; (2) State Library System, including its establishment, advisory board, and plan of service; (3) Major Resource System and Regional Library System, including authority for their establishment, system membership, operations and management, withdrawal from a system, advisory councils, and regional library systems; (4) Constituents of Major Resource Systems and Regional Library Systems, including major resource centers, area libraries, and community libraries; (5) State Grants-in-Aid to Libraries, including their establishment, rules and regulations, and administration; and (6) Other Provisions, including severability. A summary of criteria for membership in the Texas Library System precedes sections on Standards for Accreditation of a Major Resource System of Libraries in the Texas Library System and Minimum Standards for Accreditation of Public Libraries in the State Library System, on various types of grants, and on the system advisory council. (BBM)

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# Texas Library Systems Act

# and

# Rules for Administering the Library Systems Act

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Library Development Division
Texas State Library
Austin, Texas
1985

IR051187

# TEXAS LIBRARY SYSTEMS ACT

Vernon's Annotated Civil Statutes Article 5446a
(61st Legislature - Regular Session)
As Amended by Senate Bill 427
Passed by 68th Legislature - Regular Session

## CHAPTER A. GENERAL PROVISIONS

### Short title

Section 1. This Act may be cited as the Library Systems Act.

### Definitions

Sec. 2. In this Act, unless the context requires a different definition:

(1) "Public library" means a library operated by a single public agency or board that is freely open to all persons under identical conditions and receives its financial support in whole or in part from public funds.

(2) "Commission" means the Texas State Library and Archives Commission.

(3) "State Librarian" means the director and librarian of the Texas State Library.

(4) "Library system" means two or more public libraries cooperating in a system approved by the Commission to improve library service and to make their resources accessible to all residents of the area which the member libraries collectively serve.

(5) "State library system" means a network of library systems, interrelated by contract, for the purpose of organizing library resources and services for research, information, and recreation to improve statewide library service and to serve collectively the entire population of the state.

(6) "Major resource system" means a network of library systems attached to the major resource center, consisting of area libraries joined cooperatively to the major resource center and of community libraries joined cooperatively to area libraries or directly to the major resource center.

(7) "Major resource center" means a large public library serving a population of 200,000 or more within 4,000 or more square miles, and designated as the central library of a major resource system for referral service from area libraries in the system, for cooperative service with other libraries in the system, and for federated operations with other libraries in the system.

(8) "Area library" means a medium-sized public library serving a population of 25,000 or more, which has been designated as an area library by the Commission and is a member of a library system interrelated to a major resource center.

(9) "Community library" means a small public library serving a population of less than 25,000 which is a member of a library system interrelated to a major resource center.

(10) "Contract" means a written agreement between two or more libraries to cooperate, consolidate, or receive one or more services.

(11) "Standards" means the criteria established by the Commission which must be met before a library may be accredited and eligible for membership in a major resource system.

(12) "Accreditation of libraries" means the evaluation and rating of public libraries and library systems using the standards as a basis.

(13) "Governing body" means that body which has the power to authorize a library to join, participate in, or withdraw from a library system.

(14) "Library board" means the body which has the authority to give administrative direction or advisory counsel to a library or library system.

(15) "Regional library system" means a network of library systems established under Section 10A of this Act.

## CHAPTER B. STATE LIBRARY SYSTEM

### Establishment

Sec. 3. The Commission shall establish and develop a state library system.

### Advisory Board

Sec. 4. (a) The Commission shall appoint an advisory board of five librarians qualified by training, experience, and interest to advise the Commission on the policy to be followed in the application of the provisions of this Act.

(b) The term of office of a board member is three years, except that the initial members shall draw lots for terms, one to serve a one-year term, two to serve a two-year term, and two to serve a three-year term.

(c) The board shall meet at least once a year. Other meetings may be called by the Commission during the year.

(d) The members of the board shall serve without compensation, but shall be reimbursed their actual and necessary expenses incurred in the performance of their official duties.

(e) Vacancies shall be filled for the remainder of the unexpired term in the same manner as original appointments.

(f) No member may serve more than two consecutive terms.

### Plan of service

Sec. 5. The State Librarian shall submit an initial plan for the establishment of the state library system and an annual plan for the development of the system for review by the advisory board and approval by the Commission.

## CHAPTER C. MAJOR RESOURCE SYSTEM AND REGIONAL LIBRARY SYSTEM

### Authority to establish

Sec. 6. The Commission may establish and develop major resource systems in conformity with the plan for a state library system as provided in Chapter B, Sec. 5 of this Act.

### Membership in system

Sec. 7. (a) Eligibility for membership in a major resource system is dependent on accreditation of the library by the Commission on the basis of standards established by the Commission.

(b) To meet population change, economic change, and changing service strengths of member libraries, a major resource system may be reorganized, merged with another major resource system, or partially transferred to another major resource system by the Commission with the approval of the majority of the appropriate governing bodies of the libraries comprising the system. A regional library system may be reorganized, divided, dissolved, or merged into another regional library system in any manner provided by bylaws of the corporation operating the system or by contract between the member libraries and the managing authority of the system.

### Operation and management

Sec. 8. (a) Governing bodies within a major resource system area or regional library system area may join in the development, operation, and maintenance of the system and appropriate and allocate funds for its support.

(b) Governing bodies of political subdivisions of the state may negotiate separately or collectively a contract with the governing bodies of member libraries of a major resource system or regional library system for all library services or for those services defined in the contract.

(c) On petition of 10 percent of the qualified electors in the latest general election of a county, city, town, or village within a major resource system service area or a regional library system service area, the governing body of that political subdivision shall call an election to vote on the question of whether or not the political subdivision shall establish contractual relationships with the system.

(d) The governing body of a major resource center, the governing body or managing authority of a regional library system, and the Commission may enter into contracts and agreements with the governing bodies of other libraries, including but not limited to other public libraries, school libraries and media centers, academic libraries, technical information and research libraries, or systems of such libraries, to provide or receive specialized resources and services. The Texas State Library and Archives Commission shall coordinate and encourage the dissemination of specialized resources and services and may adopt rules for the contracts and agreements authorized by this subsection.

Withdrawal from system

Sec. 9. (a) The governing body of any political subdivision of the state may by resolution or ordinance withdraw from a system. Notice of withdrawal must be made not less than 90 days before the end of the state fiscal year.

(b) The provision for termination of all or part of a major resource system does not prohibit revision of the system by the Commission, with the approval of the majority of the appropriate governing bodies, by reorganization, by transfer of part of the system, or by merger with other systems.

(c) The governing body of a public library which proposes to become a major resource center shall submit an initial plan of service for the major resource system to the State Librarian. Thereafter, the governing body of the major resource center shall submit an annual plan of system development, made in consultation with the advisory council, to the State Librarian.

Advisory Council

Sec. 10. (a) An advisory council for each major resource system is established, consisting of six lay members representing the member libraries of the system.

(b) The governing body of each member library of the system shall elect or appoint a representative for the purpose of electing council members. The representatives shall meet following their selection and shall elect the initial council from their group. Thereafter, the representatives in an annual meeting shall elect members of their group to fill council vacancies arising due to expiration of terms of office. Other vacancies shall be filled for the unexpired term by the remaining members of the council. The major resource center shall always have one member on the council.

(c) The term of office of a council member is three years, except that the initial members shall draw lots for terms, two to serve a one-year term, two to serve a two-year term and two to serve a three-year term. No individual may serve more than two consecutive terms.

(d) The council shall elect a chairman, vice chairman, and secretary.

(e) The council shall meet at least once a year. Other meetings may be held as often as is required to transact necessary business. A majority of the council membership constitutes a quorum. The council shall report business transacted at each meeting to all member libraries of the system.

(f) The members of the council shall serve without compensation, but shall be reimbursed their actual and necessary expenses incurred in the performance of their official duties.

(g) The council shall serve as a liaison agency between the member libraries and their governing bodies and library boards to:

(1) advise in the formulation of the annual plan for service to be offered by the system;

(2) recommend policies appropriate to services needed;

(3) evaluate services received;

(4) counsel with administrative personnel; and

(5) recommend functions and limitations of contracts between cooperating agencies.

(h) The functions of the advisory council in no way diminish the powers of local library boards.

### Regional library system

Sec. 10A. (a) The governing bodies of two-thirds of the member libraries of a major resource system may elect, for the purpose of administering the receipt and dispersal of services under this Act within their area, to form a regional library system that includes all libraries that are members of the major resource system.

(b) Governing bodies of libraries within a regional library system may establish a nonprofit corporation under the Texas Non-Profit Corporation Act, as amended (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), to administer the system or may contract with a private business to administer the system. If the governing bodies form a nonprofit corporation, they may select a board of directors and adopt bylaws for the corporation. Bylaws adopted or a contract executed under this section may include provisions for funding, participation by other libraries, and in the case of bylaws, for reorganization, merger, division, and dissolution.

## CHAPTER D. CONSTITUENTS OF MAJOR RESOURCE SYSTEMS AND REGIONAL LIBRARY SYSTEMS

### Major resource center

Sec. 11. (a) The Commission may designate major resource centers. Designation shall be made from existing public libraries on the basis of criteria approved by the Commission and agreed to by the governing body of the library involved.

(b) The governing body of the library designated by the Commission as a major resource center may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.

(c) The Commission may revoke the designation of a major resource center which ceases to meet the criteria for a major resource center or which fails to comply with obligations stated in the resolution or ordinance agreements. The Commission shall provide a fair hearing on request of the major resource center.

(d) Funds allocated by governing bodies contracting with the major resource center and funds contributed from state grants-in-aid for the purposes of this Act shall be deposited with the governing body operating the major resource center following such procedures as may be agreed to by the contributing agency.

(e) The powers of the governing board of the major resource center in no way diminish the powers of local library boards.

Area library

Sec. 12. (a) The Commission may designate area libraries within each major resource system service area to serve the surrounding area with library services for which contracts are made with participating libraries. Area libraries may be designated only from existing public libraries and on the basis of criteria approved by the Commission and agreed to by the governing body of the library involved.

(b) The governing body of the library designated by the Commission as an area library may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.

(c) The Commission may revoke the designation of an area library which ceases to meet the criteria for an area library or fails to comply with obligations stated in the resolution or ordinance agreement. The Commission shall provide a fair hearing on request of the major resource center or area library.

(d) Funds allocated by governing bodies contracting with the area library and funds contributed from state grants-in-aid for the purposes of this Act shall be deposited with the governing body operating the area library following such procedures as may be agreed to by the contributing agency.

Community library

Sec. 13. (a) Community libraries accredited by the Commission are eligible for membership in a major resource system.

(b) A community library may join a system by resolution or ordinance of its governing body and execution of contracts for service.

(c) The Commission may terminate the membership of a community library in a system if the community library loses its accreditation by ceasing to meet the minimum standards established by the Commission or fails to comply with obligations stated in the resolution or ordinance agreement.

## CHAPTER E. STATE GRANTS-IN-AID TO LIBRARIES

### Establishment

Sec. 14. (a) A program of state grants within the limitations of funds appropriated by the Texas Legislature shall be established.

(b) The program of state grants shall include one or more of the following:

(1) system operation grants, to strengthen major resource system services to member libraries and regional library system services to member libraries, including grants to reimburse other libraries for providing specialized services to major resource systems and regional library systems;

(2) incentive grants, to encourage libraries to join together into larger units of service in order to meet criteria for major resource system membership or regional library system membership;

(3) establishment grants, to help establish libraries which will qualify for major resource system membership or regional library system membership in communities without library service; and

(4) equalization grants, to help libraries in communities with relatively limited taxable resources to meet criteria for major resource system membership or regional library system membership.

### Rules and regulations

Sec. 15. (a) Proposed initial rules and regulations necessary to the administration of the program of state grants, including qualifications for major resource system membership, shall be formulated by the State Librarian with the advice of the advisory board.

(b) These proposed rules and regulations shall be published in the official publication of the Texas State Library. Such publication shall include notice of a public hearing before the Commission on the proposed rules and regulations to be held on a date certain not less than 30 nor more than 60 days following the date of such publication.

(c) Following the public hearing, the Commission shall approve the proposed rules and regulations or return them to the State Librarian with recommendations for change. If the Commission returns the proposed rules and regulations to the State Librarian with recommendations for change, the State

Librarian shall consider the recommendations for change in consultation with the advisory board and resubmit the proposed rules and regulations to the Commission for its approval.

(d) Revised rules and regulations shall be adopted under the same procedure provided in this Chapter for the adoption of the initial rules and regulations.

(e) The Commission shall provide in its rules and regulations requirements that ensure that both the population served and the constituent member libraries are adequately represented in the conduct of system business relating to activities involved in the development of a plan of service and adequately represented on each major resource system advisory council. Rules and regulations adopted as required by this subsection do not apply to the governing board or board of directors of a regional library system, which boards are governed by applicable requirements of the Texas Business Corporation Act or the Texas Non-Profit Corporation Act, as amended (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes).

### Administration

Sec. 16. The State Librarian shall administer the program of state grants and shall promulgate the rules and regulations approved by the Commission.

### Funding

Sec. 17. (a) The Commission may use funds appropriated by the Texas Legislature for personnel and other administrative expenses necessary to carry out the provisions of the Act.

(b) Libraries and library systems may use state grants for materials; for personnel, equipment, and administrative expenses; and for financing programs which enrich the services and materials offered a community by its public library.

(c) State grants may not be used for site acquisition, construction, or for acquisition of buildings, or for payment of past debts.

(d) State aid to any free tax-supported public library is a supplement to and not a replacement of local support.

(e) System operation grants shall be apportioned among the major resource systems and regional library systems on the following basis:

Twenty-five percent of such funds shall be apportioned equally among the major resource systems and regional library systems that are operating under Commission-approved programs of services, budgets, and bylaws or contracts, and the remaining seventy-five percent shall be apportioned among the major resource systems and regional library systems that are operating under Commission-approved programs of services, budgets, and bylaws or contracts, on a per capita basis determined by the last decennial census or the most recent official population estimate of the U.S. Department of Commerce, Bureau of the Census.

## CHAPTER F. OTHER PROVISIONS

### Severability

Sec. 18. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

## SUMMARY OF CRITERIA FOR MEMBERSHIP IN THE TEXAS LIBRARY SYSTEM

**Population Served:** 200,001 and over
**Per Capita Support:** $2.80
**Materials Collection:** one item of library materials per capita or expend 25% on library materials
**Hours of Access:** not less than 64 hours per week
**Staff:** six professional full-time librarians and one additional full-time librarian for every 50,000 persons served

**Population Served:** 100,001 - 200,000
**Per Capita Support:** $2.40
**Materials Collection:** one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials
**Hours of Access:** not less than 54 hours per week
**Staff:** four professional full-time librarians and one additional full-time librarian for every 50,000 persons served

**Population Served:** 50,001 - 100,000
**Per Capita Support:** $2.20
**Materials Collection:** one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials
**Hours of Access:** not less than 48 hours per week
**Staff:** at least two professional full-time librarians

**Population Served:** 25,001 - 50,000
**Per Capita Support:** $1.80
**Materials Collection:** one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials
**Hours of Access:** not less than 40 hours per week
**Staff:** at least one professional full-time librarian

**Population Served:** 10,001 - 25,000
**Per Capita Support:** $1.50
**Materials Collection:** one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials; MUST HAVE MINIMUM of 7,500 materials
**Hours of Access:** not less than 30 hours per week
**Staff:** have a head librarian who is employed in library duties at least 30 hours per week

**Population Served:** 10,000 or less
**Per Capita Support:** $1.20 or $5,000 whichever is greater
**Materials Collection:** one item of library materials per capita or expend at least 25% of local expenditures on purchase of library materials; MUST HAVE MINIMUM of 7,500 materials
**Hours of Access:** not less than 20 hours per week
**Staff:** have a head librarian who is employed in library duties at least 20 hours per week

Texas Administrative Code (TAC)
TITLE 13 - CULTURAL RESOURCES

PART I. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 1. LIBRARY DEVELOPMENT
LIBRARY SYSTEMS ACT

Adopted by the
Texas State Library and Archives Commission
Revised, 2/28/85

STANDARDS FOR ACCREDITATION OF A MAJOR RESOURCE SYSTEM OF LIBRARIES IN THE TEXAS LIBRARY SYSTEM


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PART I. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 1. LIBRARY DEVELOPMENT
LIBRARY SYSTEMS ACT

Adopted by the
Texas State Library and Archives Commission
Revised, 2/28/85

## STANDARDS FOR ACCREDITATION OF A MAJOR RESOURCE SYSTEM OF LIBRARIES IN THE TEXAS LIBRARY SYSTEM

§1.41 Geographical Area of System.
A major resource system or regional library system shall serve a population of 200,000 or more within 4,000 or more square miles including contiguous whole counties.

§1.42 Boundaries of System.
External boundaries of a major resource system or regional library system shall be coterminous with the boundaries of councils of government, unless permission to vary is granted by the governor's office at the request of the state librarian. The state shall be organized into 10 regions as follows:

(1) Big Country Library System (32 counties): Brown, Callahan, Coke, Coleman, Comanche, Concho, Crockett, Eastland, Fisher, Haskell, Irion, Jones, Kent, Kimble, Knox, Mason, McCulloch, Menard, Mitchell, Nolan, Reagan, Runnels, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Throckmorton, Tom Green.

(2) Texas Panhandle Library System (25 counties): Armstrong, Briscoe, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler.

(3) Central Texas Library System (30 counties): Bastrop, Bell, Blanco, Bosque, Brazos, Burleson, Burnet, Caldwell, Coryell, Falls, Fayette, Freestone, Grimes, Hamilton, Hays, Hill, Lampasas, Lee, Leon, Limestone, Llano, Madison, McLennan, Milam, Mills, Robertson, San Saba, Travis, Washington, Williamson.

(4) South Texas Library System (26 counties): Aransas, Bee, Brooks, Calhoun, Cameron, De Witt, Duval, Goliad, Gonzales, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Lavaca, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, Zapata.

(5) Northeast Texas Library System (33 counties): Anderson, Bowie, Camp, Cass, Cherokee, Collin, Cooke, Dallas, Delta, Ellis, Fannin, Franklin, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Smith, Titus, Upshur, Van Zandt, Wood.

(6) Texas Trans-Pecos Library System (nine counties): Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, Terrell.

(7) North Texas Library System (21 counties): Archer, Baylor, Childress, Clay, Cottle, Denton, Erath, Foard, Hardeman, Hood, Jack, Johnson, Montague, Palo Pinto, Parker, Somervell, Tarrant, Wichita, Wilbarger, Wise, Young.

(8) Houston Area Library System (28 counties): Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Wharton.

(9) West Texas Library System (29 counties): Andrews, Bailey, Borden, Cochran, Crane, Crosby, Dawson, Dickens, Ector, Floyd, Gaines, Garza, Glasscock, Hale, Hockley, Howard, King, Lamb, Loving, Lubbock, Lynn, Martin, Midland, Motley, Terry, Upton, Ward, Winkler, Yoakum.

(10) San Antonio Area Library System (21 counties): Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Kinney, La Salle, Maverick, Medina, Real, Uvalde, Val Verde, Wilson, Zavala.

§1.43 Long-Range Plan of System Services (Biennial Budget). On behalf of a major resource system or regional library system, a plan for system services shall be biennially revised, updated, and submitted to the state librarian by the major resource center, nonprofit corporation, or business. Data determining the adequacy of library services, methods to evaluate the effectiveness of system programs, and documentation indicating full membership participation in the planning process shall be included.

§1.44 Annual Program and Budget for System Services.
On behalf of a major resource system or regional library system, a major resource center, nonprofit corporation, or business shall submit an annual program and budget for system services 150 days prior to the beginning of the state fiscal year for approval by the state librarian. Approval of a major resource system's or regional library system's annual program and budget shall be certified by the state librarian in writing 60 days prior to the beginning of the state fiscal year. If, following consultation with the major resource system or regional library system, the state librarian, on behalf of the Texas State Library and Archives Commission, does not certify approval of the system's annual program of services and budget, the state librarian may recommend that the commission not contract with the major resource center, nonprofit corporation, or business until the plan is acceptably redrawn. If the state librarian does not accept a proposed program of service from a major resource center, nonprofit corporation, or business, a public hearing shall be held within the boundaries of the system, with adequate prior notification to member librarians, to allow exchange of information among member libraries, the state library, and major resource center, nonprofit corporation, or business.

§1.45 Reestablishment of System Services.
The commission may, following a public hearing, contract with a major resource center, nonprofit corporation, or business. If necessary, the commission will provide an opportunity for public libraries to rejoin a major resource system or regional library system by resolution or ordinance of their governing authorities; or the commission may transfer the public libraries to other systems and provide an opportunity for the public libraries to join another system by resolution or ordinance.

§1.46 Interlibrary Loan and Reference Referral Services.
On behalf of the major resource system, a major resource center shall fully participate in the state library system by providing interlibrary loan and reference referral services to public libraries and other libraries served through the state library system. This requirement for accreditation of a major resource system may be waived at the discretion of the state librarian with the approval of the commission. Should libraries receiving interlibrary loan services experience dissatisfaction with the performance of the interlibrary loan contractor, they have the right and obligation to advise the commission during the period of the contract. This will be taken into consideration when the contract is being negotiated for renewal.

§1.47 Consulting and Continuing Education Services.
A major resource system or regional library system shall provide onsite consulting and continuing education services to libraries and unserved areas. At least one professional librarian shall be assigned fulltime to consulting and other system duties and provided with an adequate budget for support staff, travel, and communications to carry out these duties.

§1.53 Direct Grants-in-Aid: Prohibition.
Direct grants-in-aid to major resource system or regional library system member libraries are prohibited. Grants-in-aid are defined as cash grants for library materials or other expenses in which the major benefit is to the receiving library as opposed to the major resource system of libraries. Programs requiring direct grants to member libraries as reimbursement for providing system services are an allowable expense.

§1.54 Equalization Grants: Prohibition.
Equalization grants to major resource system or regional library system member libraries are not an allowable system expense.

§1.61 System Bylaws.
Consistent with the established rules and regulations of the state library system and the Library Systems Act, on behalf of a major resource system, a major resource center shall provide a copy of system bylaws approved by the system advisory council, the major resource center, and a majority of the member libraries to the state librarian for approval as a part of the annual program of system service. The bylaws shall specify the purposes of the library system, responsibilities and relationships of the member libraries, the system advisory council, and the major resource center with regard to review and approval of long range plans, annual programs and budgets, program and budget changes, election of advisory council members, procedures to call and conduct membership and council meetings, employment and dismissal of system staff, and such other matters as are deemed appropriate. The bylaws will also delineate the responsibilities and duties of the officers of the system advisory council, the major resource center director, the system coordinator, and any standing committees of member librarians established in the annual program of service.

§1.63 Proposal Requirements.
(a) A nonprofit corporation organized under the Library Systems Act, §10A, seeking to contract with the Texas State Library and Archives Commission as a regional library system must submit the following for approval by the state library:

(1) articles of incorporation with the Office of the Secretary of State;

(2) bylaws adopted by the board of directors and approved by the membership;

(3) policies and procedures of the corporation on financial management, personnel, and procurement as adopted by the board of directors;

(4) long-range plan (biennial budget) (see §1.43 of this title (relating to Long-Range Plan of System Services));

(5) annual program and budget (see §1.44 of this title (relating to Annual Program and Budget for System Services)); and

(6) documentation of tax status with appropriate authorities.

(b) A business (sole proprietorship, partnership, or corporation) seeking to contract with the Texas State Library and Archives Commission to administer services to a regional library system must submit the following for approval by the state library:

(1) contracts between the business and two-thirds of the governing bodies of the member libraries;

(2) performance deposit in the form of an assignment of a savings account, a bank letter of credit, a continuous bond, a U.S. treasury bond readily convertible to cash, or any cash equivalent item, the amount to be not less than 10% of the proposed contract;

(3) certificate of good standing from the Comptroller of Public Accounts;

(4) tax returns of the business for the last three years;

(5) audited financial statements of the business for the last three years;

(6) long-range plan (biennial budget) (see §1.43 of this title (relating to Long-Range Plan of System Services)); and

(7) annual program and budget (see §1.44 of this title (relating to Annual Program and Budget for System Services)).

§1.64 Cash Reserves: Regional Library System.
A nonprofit corporation or business shall have a cash reserve of not less than 25% of the proposed annual operating expenses from sources other than a system operations grant, not to include the performance deposit in §1.63 of this title (relating to Proposal Requirements).

§1.65 Directors and Officers of Regional Library Systems.
A nonprofit corporation shall not establish a charter or adopt bylaws that permit member library directors or member library staff to serve on the board of directors. Nor shall member library directors or member library staff serve as officers or directors of a for-profit corporation or as general or limited partners of a partnership; nor shall the commission contract with a sole proprietorship owned by a member library director or member library staff.

**§1.67 Federal Priorities.**
For so long as the Texas Library System is funded in whole or in part by Library Services and Construction Act Title I funds, major resource systems and regional library systems shall include in their long-range plan and annual program of services and budget projects which specifically address the Library Services and Construction Act Title I priorities, as determined by the Texas State Library and Archives Commission, upon recommendation of the Library Services and Construction Act Advisory Council.

## MINIMUM STANDARDS FOR ACCREDITATION OF PUBLIC LIBRARIES IN THE STATE LIBRARY SYSTEM

**§1.71 Definition of Population Served.**
For a city, nonprofit corporation, and/or county-established library spending public monies for public library service, the population served by a public library is the population in the most recent decennial census or official population estimate of the U.S. Department of Commerce, Bureau of the Census, if available. Calculations will be based upon the following:

(1) In counties with one or more public libraries that spend only city and private funds, each library is credited with serving only the city population in which it is located.

(2) In counties with only one public library and that library spends county funds, the library is credited with serving the entire county population.

(3) In counties with more than one public library that spends both city and county funds, the libraries that spend city and county funds are credited with serving their city population plus a percentage of the population living outside the cities. This percentage is the ratio of each city's population to the total of all the populations of cities with public libraries within the county.

(4) In counties with a library established by the county commissioners court or an incorporated library that spends no city funds and one or more city libraries that spend county funds, the city or incorporated libraries that spend county and city funds are credited with serving their city populations plus a percentage of the county population living outside the cities. The percentage is the ratio of each city's population to the county population. The county library or incorporated library that spends county funds and no city funds serves all county residents not served by a city library.

(5) In counties with one library that spends county funds and one or more public libraries that do not spend county funds, the library that spends county funds is credited with serving the county population, less the populations of cities with public libraries.

(6) In counties with more than one library that spends county funds and no city funds, the county population living outside cities with public libraries shall be prorated among the libraries in the same ratio as the county funds are expended.

(7) In school districts that fund a public library, the population served by the library shall be the population of the school district. If a census bureau population estimate is not available for a school district, a population estimate shall be computed based upon the ratio of the school district population to the county population in the most recent decennial census.

(8) Libraries that enter into agreements or contracts with counties, cities, or school districts to provide public library services will be assigned population under this section whether or not there is an exchange of funds.

§1.72 Public Library Service.
Library services include the dissemination of materials and/or information by the library staff to the general public during posted or otherwise published hours of library outlets. A public library shall provide library services without a use charge to all persons residing in the library's tax supporting political subdivision. The following exceptions to this rule are permitted at the discretion of the library's governing authority: reserving library materials; use of meeting rooms; replacement of lost borrower cards; fines for overdue, lost or damaged materials in accordance with local library policies; postage; in-depth reference services on a contractual basis; photocopying; library parking; service to non-residents; sale of publications; rental and deposits on equipment; and charges for the use of materials and machine-readable data bases not owned by the library, major resource center, or regional library system for which the vendor or supplier has charged a borrowing fee.

§1.73 Public Library: Legal Establishment.
A public library shall be established as a department of a city or county government by charter, resolution, or ordinance; or by contract as provided for in the Interlocal Cooperation Act, Texas Civil Statutes, Article 4413(32c); or as a nonprofit corporation chartered by the Office of the Secretary of State for the purposes of providing free public library services, and having a current contract with a city, county, or school district to provide free public library services for the city, county, or school district.

§1.74 Local Operating Expenditures.
A public library must demonstrate local effort on an annual basis by maintaining or increasing local operating expenditures or per capita local operating expenditures. Expenditures for the current reporting year shall be compared to the average of local operating expenditures or to the average of per capita expenditures for the three preceding years. Libraries that expend at least $10.00 per capita, or $50,000, whichever is greater, are exempt from this membership criterion. A public library shall have minimum local expenditures of $5,000.

§1.75 Public Library: Nondiscrimination.
A public library shall have on file at the state library a statement certifying that no person shall be excluded from participation in or denied the benefits of the services of that library on the grounds of race, color, or national origin.

§1.77 Public Library: Local Tax Support.
At least half of the annual local operating expenditures required to meet the minimum level of per capita support for accreditation must be from local tax sources. A public library that expends at least $10 per capita is exempt from this membership criterion if it shows evidence of some library expenditures from local tax sources and is open to citizens under identical conditions without charge. Local tax sources are defined as money appropriated by school districts or by city or county governments from their general revenue monies.

§1.78 County Librarian's Certificate.
A county library shall not be eligible for accreditation unless the county librarian has received from the Texas State Library and Archives Commission a certificate of qualification, nor shall any municipal library that receives county funding be eligible for accreditation unless the municipal librarian has received from the Texas State Library and Archives Commission a certificate of qualification.

§1.79 Provisional Accreditation of Library.
A public library that does not meet one of the requirements for accreditation cited in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library) may be provisionally accredited for not more than an initial three year period, if the library can demonstrate a reasonable expectation of meeting the requirements within three years. However, a newly established library in a previously unserved county that does not meet two of the requirements for accreditation cited in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library) may be provisionally accredited if the library can demonstrate a reasonable expectation of meeting the requirements within three years.

§1.80 Probational Accreditation of Library.
A public library that has been fully accredited may be granted probational accreditation for three years if the library fails to meet not more than one of the requirements in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library). To regain full system membership, a library must equal or exceed its previous level of effort on the deficient requirement. To achieve full system membership a library must meet the requirements in §1.81 of this title (relating to Quantitative Standards for Accreditation of Library).

§1.81 Quantitative Standards for Accreditation of Library.
Minimum requirements for major resource system membership:

(1) A library serving a population of at least 200,001 persons must:

(A) have local expenditures amounting to at least $2.80 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 64 hours per week; and

(D) have six professional full-time librarians, with one additional professional full-time librarian for every 50,000 persons above 200,000; an additional professional librarian must be assigned full-time to system duties if the library is a major resource center. See §1.84 of this title (relating to Consulting and Continuing Education Services) for the definition of a professional librarian.

(2) A library serving a population of 100,001 - 200,000 persons must:

(A) have local expenditures amounting to at least $2.40 per capita;

(B) have at least one item of library materials per capita or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 54 hours per week; and

(D) have four professional full-time librarians, with one additional professional full-time librarian for every 50,000 persons above 100,000; an additional professional librarian must be assigned full-time to system duties if the library is a major resource center.

(3) A library serving a population of 50,001 - 100,000 persons must:

(A) have local expenditures amounting to at least $2.20 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 48 hours per week; and

(D) have at least two professional full-time librarians.

(4) A library serving a population of 25,001 - 50,000 persons must:

(A) have local expenditures of at least $1.80 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials;

(C) be open for service not less than 40 hours per week; and

(D) have at least one professional full-time librarian.

(5) A library serving a population of 10,001 - 25,000 persons must:

(A) have local expenditures of at least $1.50 per capita;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials, provided that in either case a minimum of 7,500 items are held;

(C) be open for service not less than 30 hours per week; and

(D) have a head librarian who is employed in library duties at least 30 hours per week.

(6) A library serving a population of 10,000 or fewer persons must:

(A) have local expenditures of $1.20 per capita or $5,000, whichever is greater;

(B) have at least one item of library materials per capita, or expend at least 25% of the local expenditures on the purchase of library materials, provided that in either case a minimum of 7,500 items are held;

(C) be open for service not less than 20 hours per week; and

(D) have a head librarian who is employed in library duties at least 20 hours per week.

§1.82 Accreditation Based on Current Operating Budget.
A public library which has not previously qualified for system membership and is actively seeking accreditation by securing the per capita support necessary for qualification may be accredited as a system member on the basis of the library's current operating budget rather than its expenditures of the preceding year.

§1.83 Telephone Requirement.
A library must have a telephone with a listed number.

§1.84 Professional Librarian.
A professional librarian is defined as a person holding either a fifth year degree in librarianship from a program accredited by the American Library Association or a master's degree in library or information science from a program accredited by the American Library Association or a higher credential from a library school offering an American Library Association-approved degree in library or information science.

§1.85 Annual Report.
A public library shall file a current and complete annual report with the Texas State Library and Archives Commission by April 30. Revisions to the annual report which would affect membership status for the next fiscal year will not be accepted after July 31. Staff vacancies that occur after April 30 shall not adversely affect applications for system membership in the next fiscal year. Staff vacancies that occur prior to April 30 which affect system membership must be filled and reported prior to July 31. Willful falsification of annual reports shall cause the library to be disqualified for one year in the first instance and disqualified for three years in the second instance.

## GRANTS: SYSTEM OPERATION, INCENTIVE, ESTABLISHMENT, AND EQUALIZATION

§1.91 System Operation Grants.
System operation grants are to strengthen major resource system services to member libraries, including grants to reimburse libraries for providing specialized services to major resource systems. System operation grants are to initiate and continue cooperative district-wide services sponsored by the system. Application for a system operation grant may include reimbursement to the major resource center or other contracting library for all expenses incurred in the performance of the service contract. System operation grants are awarded to "major resource systems" operating under an approved annual program of services and budget.

§1.92 Incentive Grants.
Incentive grants are to encourage libraries to join together into larger units of service in order to meet criteria for major resource system membership. System member libraries joining together into a county or multicounty library system may be eligible for incentive grants.

§1.93 Establishment Grants.
Establishment grants are to help establish libraries which will qualify for major resource system membership in counties without library service. An establishment grant is to assist a county without library services to meet the minimum requirements established by the commission for system membership, provided the library to be established will serve at least a county. A newly established library may apply for system membership in the year in which the library becomes operational. Such a library may be provisionally accredited as a system member. Such a provisional accreditation will not be extended for more than three years following the library's designation as a system member library.

§1.94 Unserved County: Definition.
An unserved county is defined as either a county with no existing free public library services or a county that is served by a library that has not expended funds from local city and/or county taxes for a period of three years prior to application for an establishment grant. A period of establishment may not exceed three years.

§1.96 System Operation Grant: Formula.
Exclusive of the expenditure of funds for administrative expenses, establishment, and incentive grants, 25% of system operation grants shall be apportioned equally to the major resource systems and the remaining 75% shall be apportioned to them on a per capita basis determined by the last decennial census or the most recent official population estimate of the U.S. Department of Commerce, Bureau of the Census. The population base for distribution of 75% of the Library Systems Act funds is defined as the total population residing within the major resource system boundaries.

## SYSTEM ADVISORY COUNCIL

§1.111 Advisory Council.
An advisory council for each major resource system shall be established consisting of six lay members representing the member libraries of the system.

§1.112 Advisory Council Election.
The governing body of each member library of the system shall biennially elect or appoint a lay representative for the purpose of electing council members. A lay representative may be any person not employed as a staff member by the public library he or she is to represent. Each governing body may also elect or appoint an alternate lay representative who may perform the duties of the representative in his or her absence. An alternate lay representative may not be elected to the advisory council. The major resource center shall always have one member on the council. Thereafter, the representatives in an annual meeting shall elect members of their group to fill council vacancies arising due to expiration of terms of office. The term of office for representatives and alternates shall be the state fiscal year.

§1.113 Advisory Council Terms of Office.
The term of office of a council member is three years. A council member may serve no more than two consecutive terms, but shall again become eligible for election to the council after an absence of one full term.

§1.114 Advisory Council Officers.
The council shall annually elect a chair, vice-chair, and secretary.

§1.115 Geographical Representation.
Broad geographical representation is encouraged on the system advisory council.

§1.116 Council Officers, Not Reappointed as Library Representative.
A representative is elected to council September 1, and once elected to council, represents the system. Therefore, the representative shall complete his or her council term of three years even though the council member may be replaced as the official representative of the member library. If the council member is replaced as the official representative, the new representative may vote in behalf of his or her library at the annual meeting of representatives to fill council vacancies. No individual library in the system shall have more than two representatives on the system advisory council.

§1.117 Advisory Council Vacancies.
Vacancies on the system advisory council arising for reasons other than the regular expiration of terms of office may be filled from among the lay representatives for the unexpired term by the remaining members of the council. If a vacancy for whatever reason leaves the major resource center with no representative on the council, the major resource center's lay representative shall complete the unexpired term. If the unexpired term was held by an officer of the council, the lay representative appointed to fill the unexpired term need not necessarily be that officer. The vacated council office can be filled from among the members already on that council.

§1.118 Federated County and Multicounty Representation.
A federated county or multicounty library system will be eligible to send to the annual meeting of lay representatives either a citizen to represent the entire federated county or multicounty library system; or the federated county or multicounty library system may elect to permit each individual member in that system to send one representative to the lay meeting. Only those federated county or multicounty system member libraries which could individually qualify for state library system membership may be eligible to send a lay representative. That lay representative shall have such votes as the representative would be entitled to under §1.123 of this title (relating to Voting by Member Library Representatives), based upon the population of the library represented.

§1.119 Council Review and Approval Process.
Unless otherwise provided for in the system bylaws, the signature of the council chairman on the following documents shall be required as certification that the advisory council has had an opportunity to review and approve: the long range plan and annual update for the system, the annual program of services and budget, amendments to the annual program or budget requiring a contract modification, and system bylaws. In the event that a member of the advisory council has had an opportunity to review the documents, but does not approve their contents, a letter stating minority reports should accompany the documents to the State Library. In the event that a majority of the advisory council does not approve the contents of one of the documents referred to in this section, the chairman should sign the certificate of review and forward the advisory council's report with it. The chairman of the advisory council should sign the certificate of review in the appropriate place, if the majority of the advisory council determine that they have not been adequately informed of its contents by the major resource center staff.

§1.120 Disqualification of Council Members.
If the library represented by a council member is disqualified from system membership or chooses to withdraw from the system, that council member shall cease to be a member of the system advisory council.

§1.121 Review Procedures.
(a) Public libraries, system advisory councils, and major resource centers may request in writing review by the state librarian of decisions related to accreditation for system membership, or to rules and regulations promulgated by the Texas State Library and Archives Commission. Following such a review, a dissatisfied party may appeal in writing to the commission. (b) Public libraries and system advisory councils may request in writing review by the state librarian for decisions made by major resource centers and system advisory councils as appropriate. Following such a review, a dissatisfied party may appeal in writing to the Texas State Library and Archives Commission.

§1.122 Appeals Procedure.
(a) Subgrantees may appeal Texas State Library staff decisions in the following areas:

(1) denial of grant award;

(2) termination or suspension of grant for failure to comply with grant terms;

(3) audit exceptions;

(4) disallowance of grant expenditures;

(5) failure to give prior approval to a grant cost;

(6) procurement dispute; or

(7) any other relevant issue arising in the administration of the grant.

(b) Steps to be followed in appeals are listed in sequence:

(1) A subgrantee that wishes to appeal an adverse determination must, within 30 days after receiving such determination, submit a brief, written notice of appeal. The notice of appeal must include a copy of the agency's adverse decision, the amount in dispute, if appropriate, and a brief statement contesting the agency's decision.

(2) The Texas State Library Appeals Board must within seven days acknowledge receipt of the appeal notice. The board shall be comprised of the assistant state librarian, the fiscal officer of the Texas State Library, and a member of the Texas State Library and Archives Commission. Such member is to be appointed by the chairman of the commission.

(3) Within 30 days of receiving an acknowledgement of the board's receipt of its appeal, the subgrantee will provide the board with all materials and documents which may be relevant to the dispute, including a written statement describing errors in the agency's final decision.

(4) After receiving the required documentation, the board will conduct its review and send a written decision to the subgrantee within 30 days. If the decision of the board is adverse to the position of the subgrantee, the board will state the basis for its decision and inform the subgrantee of its right to appeal to the Texas State Library and Archives Commission.

(5) The subgrantee may appeal in writing to the Texas State Library and Archives Commission within 15 days following the decision of the Texas State Library Appeals Board. The commission chairman (or the designated appeals officer) will provide the subgrantee written notice of receipt and of the commission's intent to act upon the appeal.

(6) Within 45 days following receipt of notification of appeal, the commission will review the appeal documents and schedule an open hearing. Written notification shall be provided to the subgrantee 15 days prior to the scheduled hearing. Parties to the dispute shall be allowed to give testimony at the open hearing. Following the hearing, the subgrantee will be informed of the commission's decision within 15 days. If the decision is adverse, the commission will state the basis for its decision.

§1.123 Voting By Member Library Representatives.
The lay representative of each member library of a major resource system shall have one vote as a representative of a member library and shall have that proportion of additional votes, which shall equal the number of member libraries, as the population served by the voting representative's library has to the total population served by all member libraries.